

## REMARKS

The Applicant has carefully reviewed the Final Office Action mailed January 11, 2007 and offers the following remarks.

Initially, the Applicant wishes to thank the Examiner for indicating that claims 3, 4, 22, and 23 would be allowable if rewritten in independent form to include the features of the base claims from which these claims depend along with the features of any intervening claims. As will be detailed below, claims 1 and 20, the base claims from which claims 3, 4, 22, and 23 ultimately depend, are patentable over the cited references. Accordingly, the Applicant has not amended the claims at this time. The Applicant reserves the right to rewrite claims 3, 4, 22, and 23 at a later time.

Claims 1, 2, 5-21, and 24-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0160932 A1 to *Yegoshin* (hereinafter “*Yegoshin*”) in view of U.S. Patent No. 6,633,636 B1 to *McConnell et al.* (hereinafter “*McConnell*”). The Applicant respectfully traverses the rejection.

According to Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” The Applicant submits that neither *Yegoshin* nor *McConnell*, either alone or in combination, disclose or suggest all the features recited in claims 1, 2, 5-21, and 24-39. As such, these claims are patentable over the cited references. In particular, claim 1 recites a method for transitioning a call where “the call is initially established between a remote device and the mobile terminal via a local wireless adaptor coupled to a packet-based network” and “determining the call should be transferred to the mobile terminal via the cellular network.” Claims 20 and 39 include similar features. The Applicant respectfully submits that neither reference discloses or suggests that a call is initially established between a remote device and a mobile terminal via a local wireless adaptor coupled to a packet-based network. In addition, neither reference discloses or suggests determining that the call should be transferred to the mobile terminal via the cellular network. In maintaining the rejection, the Patent Office indicates that *Yegoshin* discloses these features in paragraphs [0029], [0030], [0035], [0036], [0049], and [0050].<sup>1</sup> The Applicant respectfully disagrees.

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<sup>1</sup> See Final Office Action mailed January 11, 2007, pages 2 and 4.

Paragraphs **[0029]** and **[0030]** of *Yegoshin* do not disclose or suggest that a call is initially established between a remote device and a mobile terminal via a local wireless adaptor coupled to a packet-based network. Moreover, these paragraphs do not disclose or suggest determining that a call should be transferred to the mobile terminal via the cellular network after the call has already been established. At most, paragraphs **[0029]** and **[0030]** disclose that a cell phone 9 is capable of receiving calls via a cellular path while receiving other calls via an IP path and switching from one network to another at a user's discretion. However, these paragraphs do not disclose nor suggest initially establishing a call between a remote device and a mobile terminal via a local wireless adaptor and then transferring the same call between the cellular path and the IP path. Instead, different calls are received through the different paths.

Paragraphs **[0035]** and **[0036]** of *Yegoshin* do not disclose or suggest determining whether a call should be transferred to a mobile terminal via a cellular network after the call has initially been established between a remote device and the mobile terminal via a local wireless adaptor coupled to a packet-based network. At most, these portions disclose that a call may be routed through a PSTN 25 or through a LAN 39. However, *Yegoshin* does not disclose or suggest determining whether or not a call, which has been initially established in the LAN 39 between a remote device and a mobile terminal, should be transferred to the PSTN 25 after the call has been established between the remote device and the mobile terminal.

Paragraph **[0049]** of *Yegoshin* also does not disclose the aforementioned features of claim 1. At most, paragraph **[0049]** discloses that the cell phone 9 may be accepting calls in an IP format while logged onto an IP network 27. Furthermore, paragraph **[0049]** discloses that certain calls will be exempt from IP delivery at a user's discretion. Accordingly, these calls will be routed to a local cell network 23. However, this paragraph does not disclose or suggest that a determination will be made that a call established between a remote device and a mobile terminal initially handled through the IP network 27 should be transferred through the cell network 23. Paragraph **[0049]** only discloses that calls will be handled either through the IP network 27 or through the local cell network 23. Paragraph **[0049]** does not disclose that the same call will be routed initially through the IP network 27 and then through the local cell network 23.

Paragraph **[0050]** of *Yegoshin* discloses that a call 57 is first routed through a PSTN 25 to a switch 31, and then to an IP switch 35. Paragraph **[0050]** also discloses that if the cell phone 9 is not logged onto the IP network 27, then the call is routed to an appropriate cellular service area

based on the registered directory number. However, paragraph [0050] does not disclose nor suggest that the call is initially established with the cell phone 9 and a remote device via the IP network 27, and then, after the call is established between the two devices, a determination is made to transfer the call through the appropriate cellular service area. Accordingly, for this reason and the reasons noted above, *Yegoshin* does not disclose or suggest determining that a call, which is initially established between a remote device and a mobile terminal via a local wireless adaptor coupled to a packet-based network, should be transferred to the mobile terminal via the cellular network. Similarly, *McConnell* does not disclose or suggest these features.

Claim 1 also recites initiating a first connection between a “first media gateway” and the mobile terminal via the cellular network. Claims 20 and 39 include similar features. The Applicant respectfully submits that neither reference, either alone or in combination, discloses or suggests initiating a first connection between a first media gateway and a mobile terminal. More specifically, neither reference discloses or suggests a media gateway. Therefore, neither reference can disclose or suggest a first connection involving a media gateway. At most, *Yegoshin* discloses mobile switching centers (MSCs) 30 and 34 and switches 31, 35, and 36. However, as is well known, a media gateway is a translation unit between disparate telecommunications networks. The Applicant submits that MSCs and switches are not translation units between disparate telecommunication networks. Instead, the MSCs 30 and 34 are interfaces for the PSTN 25 and the switches 31, 35, and 36 route calls. Accordingly, *Yegoshin* does not disclose or suggest a media gateway as recited in the claims. Similarly, *McConnell* does not disclose or suggest a media gateway. As such, since neither reference discloses or suggests a media gateway, neither reference can disclose or suggest initiating a first connection between a first media gateway and a mobile terminal.

Claim 1 also recites effecting a transfer of the call to the first connection between “the first media gateway” and the mobile terminal. Claims 20 and 39 include similar features. The Applicant submits that neither reference, either alone or in combination, discloses or suggests effecting a transfer of a call to first connection between a first media gateway and a mobile terminal. As correctly pointed out in the Office Action, *Yegoshin* does not disclose this feature.<sup>2</sup> Likewise, *McConnell* does not disclose this feature. As detailed above, *McConnell* does not disclose or suggest a first media gateway. Accordingly, it follows that *McConnell* cannot

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<sup>2</sup> See Final Office Action mailed January 11, 2007, page 5.

disclose or suggest effecting a transfer of a call between a first media gateway and a mobile terminal. Therefore, for this reason and the reasons noted above, claims 1, 20, and 39 are patentable over the cited references and the Applicant requests that the rejection be withdrawn. In a similar fashion, claims 5, 6, 8-14, 17-19, 24, 25, 27-33, and 36-38, which ultimately depend from claims 1 or 20, are patentable for at least the same reasons along with the novel features recited therein.

Claim 2 recites that the call is initially established to comprise a remote connection between the remote device and “a second media gateway” and a local connection between the “second media gateway” and the mobile terminal via the local wireless adaptor over the packet-based network. Claim 21 includes similar features. The Applicant submits that neither reference, either alone or in combination, discloses or suggests initially establishing a call to comprise a remote connection between a remote device and a second media gateway and a local connection between a second media gateway and a mobile terminal. As discussed above, neither reference, either alone or in combination, discloses or suggests a media gateway. As such, neither reference, either alone or in combination, can disclose or suggest establishing remote and local connections which involve a second media gateway. Therefore, in addition to the reasons noted above, claims 2 and 21 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claim 7 recites “wherein the information is a periodic signal indicative of the mobile terminal being within a local wireless communication range of the local wireless adaptor.” Claim 26 includes similar features. The Applicant respectfully submits that neither *Yegoshin* nor *McConnell*, either alone or in combination, disclose or suggest that information used to determine if a call should be transferred is a periodic signal indicative of a mobile terminal being within a local wireless communication range of a local wireless adaptor. In maintaining the rejection, the Patent Office states that *Yegoshin* discloses these features in paragraphs [0049] and [0050].<sup>3</sup> The Applicant respectfully disagrees. The Applicant has reviewed these portions of *Yegoshin* along with the rest of the reference and submits that nowhere does *Yegoshin* disclose or suggest a periodic signal which is indicative of a mobile terminal being within a local wireless communication range of a local wireless adaptor. At most, the cited portions of *Yegoshin* disclose the routing of calls. Similarly, *McConnell* does not disclose or suggest a periodic signal

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<sup>3</sup> See Final Office Action mailed January 11, 2007, page 6.

which is indicative of a mobile terminal being within a local wireless communication range of a local wireless adaptor. Accordingly, claims 7 and 21 are patentable over the cited references for this reason along with the reasons noted above and the Applicant requests that the rejection be withdrawn.

Claim 15 recites that “the mobile terminal registers with the cellular network while effecting communications via the local wireless adaptor.” Claim 34 includes similar features. The Applicant submits that neither *Yegoshin* nor *McConnell*, either alone or in combination, discloses or suggests a mobile terminal which registers with a cellular network while communicating with a local wireless adaptor. In maintaining the rejection, the Patent Office states that this feature is disclosed in paragraphs [0049] and [0050] of *Yegoshin*.<sup>4</sup> The Applicant respectfully disagrees. The Applicant has reviewed these portions of *Yegoshin* along with the rest of the reference and submits that nowhere does *Yegoshin* disclose or suggest that a mobile terminal registers with a cellular network while communicating with a local wireless adaptor. At most, as indicated above, the cited portions of *Yegoshin* disclose the routing of calls. Likewise, *McConnell* does not disclose or suggest that a mobile terminal registers with a cellular network while communicating with a local wireless adaptor. Therefore, in addition to the reasons noted above, claims 15 and 34 are patentable over the cited references and the Applicant respectfully requests that the rejection be withdrawn.

Claim 16 recites that “the mobile terminal registers with the cellular network while the call is in progress.” Claim 35 recites similar features. The Applicant submits that neither reference, either alone or in combination, discloses or suggests that a mobile terminal registers with a cellular network while a call is in progress. In maintaining the rejection, the Patent Office states that *McConnell* discloses this feature at col. 2, ll. 37-56.<sup>5</sup> The Applicant respectfully disagrees. The Applicant has reviewed this portion of the reference and submits that while this portion of *McConnell* does disclose an interface assembly which allows for the operation of landline phones and wireless phones, nowhere does this section, nor any other portion of *McConnell*, disclose or suggest a mobile terminal which registers with a cellular network while a call is in progress. As such, claims 16 and 35 are patentable for this reason in addition to the reasons noted above and the Applicant respectfully requests that the rejection be withdrawn.

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<sup>4</sup> See Final Office Action mailed January 11, 2007, page 7.

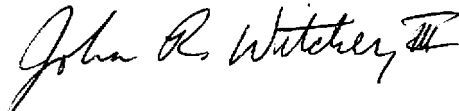
<sup>5</sup> See Final Office Action mailed January 11, 2007, page 8.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

A handwritten signature in black ink, appearing to read "John R. Witcher, III". The signature is written in a cursive style with a prominent "J" and "W".

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